

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14551 of 2021

=====

Raj Kumar Singh, Son of Late Shyam Sunder Singh, Resident of Mohalla-
New Patliputra Colony, House No.-249, Road No. 2B, J.D. Mishra Path, P.S.-
Patliputra, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Collector-cum-District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Officer-in-charge, Patliputra Police Station, District-Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Jai Ram Singh, Advocate Ms. Archana Sinha @ Archana Shahi, Advocate
For the Respondent/s	:	Mr. Kumar Manish, SC-5

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-04-2023

1. Learned counsel for the petitioner, after addressing arguments and knowing the mind of the court, specifically seeks for release of the house on payment of the penalty imposed under Rule 12B of the Bihar Prohibition and Excise Act (hereinafter referred to as “Act”).

2. In fact, the Collector has the power to decide whether the release can be made on payment of penalty under Rule 12B of the Act and also a discretion in deciding the penalty, which is



regulated by sub-rule (2) of Rule 12B of the Act.

3. The Collector hence shall consider whether the house can be released under Rule 12B of the Act and also the quantum of the penalty that could be imposed, specifically looking at the various factors mentioned in sub-rule (2) of Rule 12B of the Act. The order under Rule 12B of the Act shall be passed within a period of two months from the date of production of certified copy of this judgment and if the release is ordered on penalty, on deposit of the penalty amount, the house shall be absolved from the confiscation proceedings.

4. Writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2023
Transmission Date	NA

